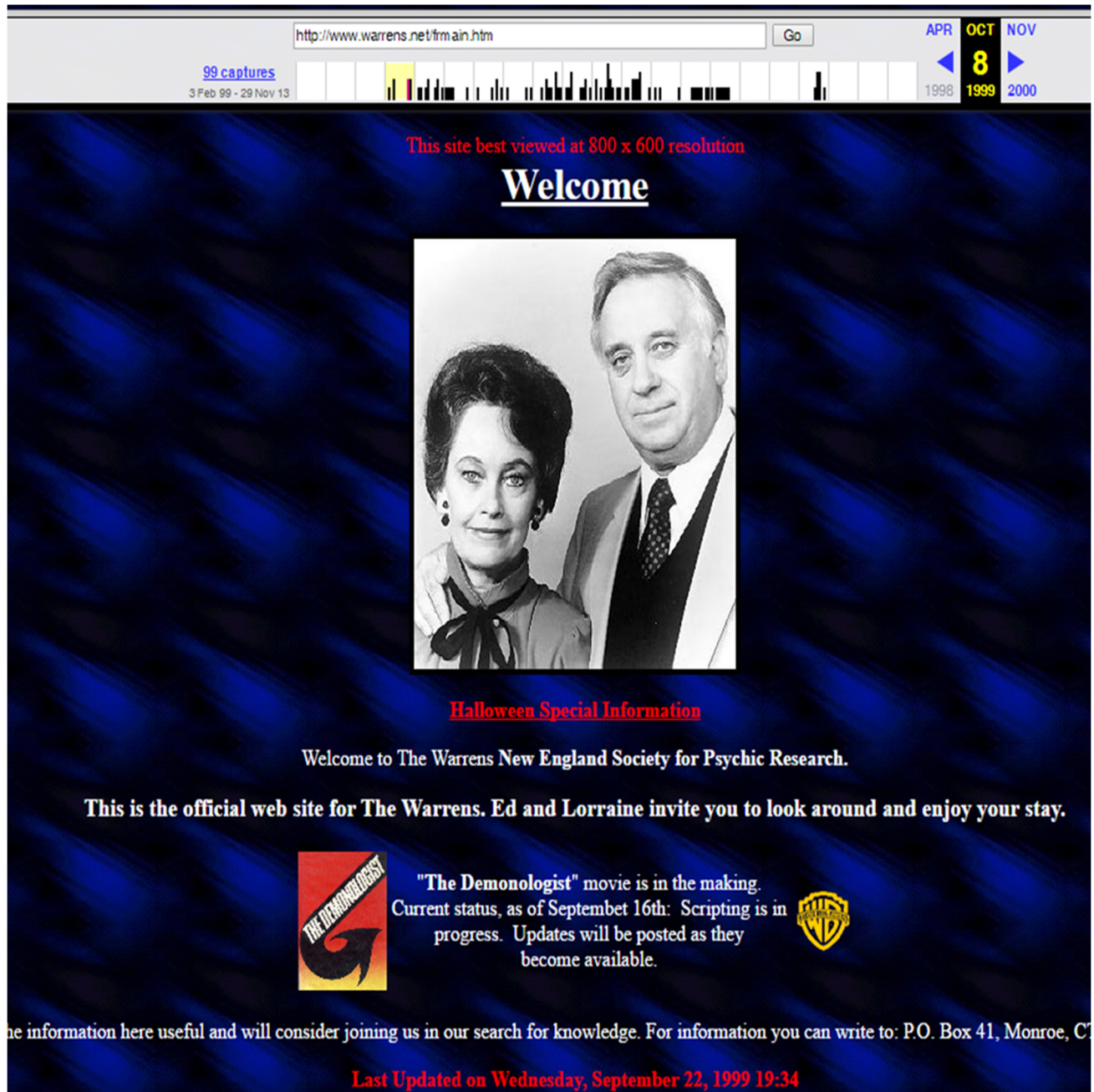


In that capture, the website says that “scripting” for “The Demonologist movie” is “underway”. To the left of that statement is an image of *The Demonologist* book by Gerald Brittle and on the opposite side is a Warner Brothers logo. *See* Exhibit 14.



379. Although, upon information and belief, this Warner Brothers 1997 *The Demonologist* movie was never produced, and the 1997 Warner Brothers Deal expired, all unbeknownst to Plaintiff. Also, unbeknownst to Plaintiff was that even after this, Warner Brothers continued to be involved with the Warrens.

380. On June 10, 2002, the Warrens entered into a deal with writer Teddy Tannenbaum for their "life rights." Plaintiff was never made aware of this deal by either Tannenbaum or the Warrens, nor was he ever asked for his consent to same. Yet again, Plaintiff's *The Demonologist* was sold by the Warrens, Tannenbaum, Clive Barker and, upon information and belief, Warner Brothers to NBC network. This transaction is detailed in a story on the website Horror.com dated October 6, 2003. See Exhibit 16.

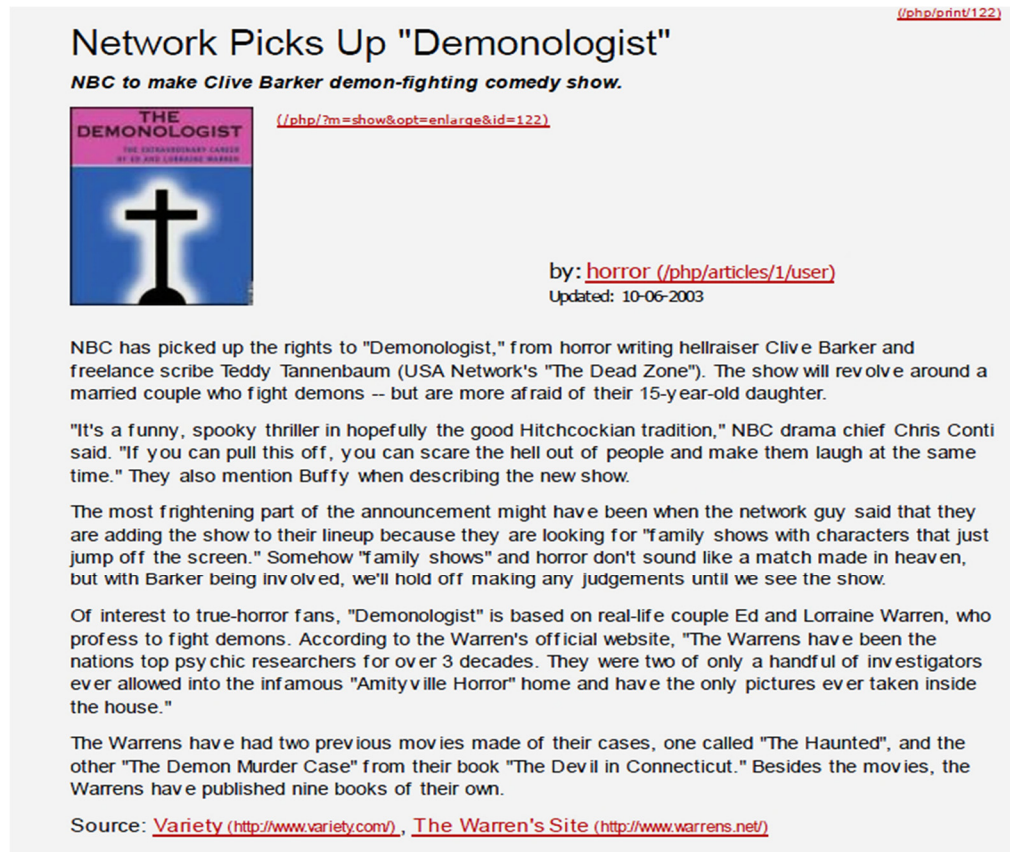
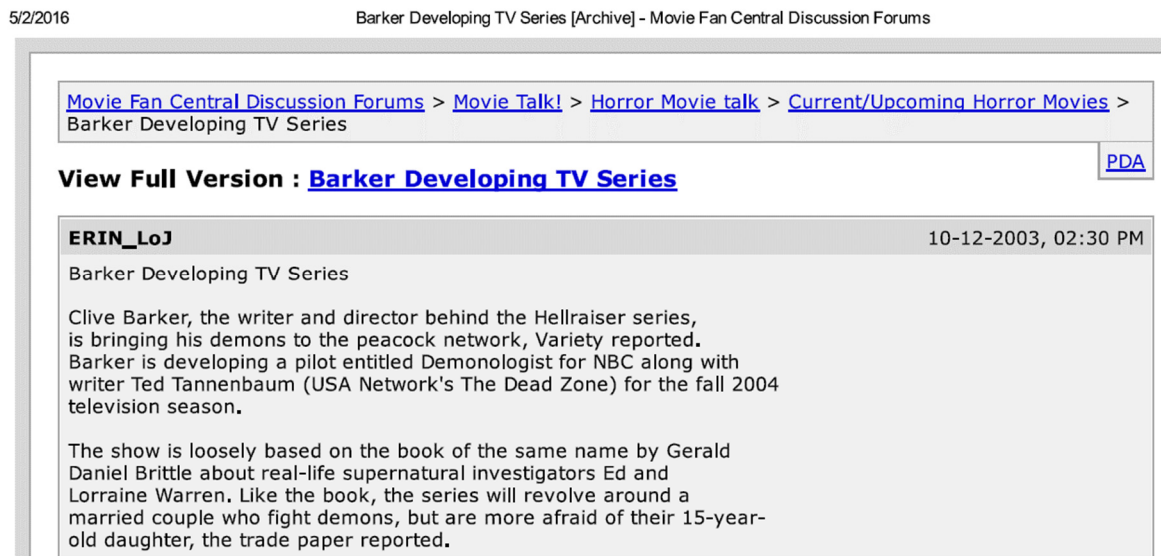


Exhibit 16.

381. The Horror.com article stated that “NBC has picked up the rights to “The Demonologist” from Tannenbaum and Barker. The article goes on to state that the “Demonologist” is based on “real-life couple Ed and Lorraine Warren.”

382. Another forum at the website Movie Fan Central states that the “trades” talk about the NBC series being loosely based on Plaintiff’s *The Demonologist*.



383. Upon information and belief, Warner Brothers was involved with Tannenbaum on this NBC series as the website Geekweek.com reported in a story the NBC “Demonologist” series was “brought to Warner Brothers... a decade ago by Tannenbaum.” The article is publicly available at the <http://www.geekweek.com/2010/11/house-on-the-left-director-negotiating-to-direct-demonologists.htm> and reproduced in part below:

///



Exhibit 15.

384. It is inconceivable that Defendant Warner Brothers had no knowledge of Plaintiff, *The Demonologist* or his rights to Warren Cases or that any chain-of-title search Warner Brothers conducted in 1997 did not reveal same.

385. That New Line did not know about the Plaintiff, *The Demonologist* book or his rights is also rendered an impossibility by virtue of the 2009 OQA (Ex. 8) where it defines and refers to the “Warren Document:” as part of the “Property” section. (See Exhibit 8 at Page 3, “1A. PROPERTY: (c)(i)”) where it lists the Warren Life Story Option Agreement with Tenenbaum, the “Piltdown Agreement” with Tanenbaum, and an extension of the Piltdown Agreement.

///

(i) Warren Documents:

(1) Life Story Option Agreement (“Tenenbaum Option Agreement”) dated as of June 10, 2002 between the Warrens and Teddy Tenenbaum (“Tenenbaum”) whereby Tenenbaum purchased an exclusive option to acquire the life story rights of the Warrens.

(2) Shopping Agreement (“Piltdown Shopping Agreement”) dated as of March 12, 2008 between Piltdown Pictures and Lorraine Warren whereby Lorraine Warren grants Piltdown an exclusive period to set up a project based on Lorraine Warren’s life story rights.

(3) Email dated September 10, 2008 from Lorraine Warren’s attorney to Tenenbaum’s attorney confirming an extension of the Piltdown Shopping Agreement.

Exhibit 8.

386. This is the same Piltdown deal by which Tanenbaum and Joel Silver did the second unlawful deal for the Warrens rights and *The Demonologist* book with Warner Brothers. Just based on their own 2009 OQA document, part of New Line’s minimal chain-of-title review did reveal the Piltdown deal and Tanenbaum. This would have in turn readily led them to their own corporate parent, Warner Brothers, the NBC series deal for *The Demonologist* as well as the unlawful 1997 Warner Brothers Deal with Lorraine Warren for her life rights, movie rights and for *The Demonologist* book rights deals that Warren did (all without Plaintiff’s knowledge or permission).

387. Defendants knew about Brittle and his rights, they just did not care.

IX. PRECURSOR ISSUES TO COPYRIGHT INFRINGEMENT

388. In order to effectively discuss Defendants’ copyright infringement, it is first necessary to explore certain issues that affect same including:

a) Proof that Defendants movies are not based on historical facts, which includes:

1. Evidence of Ed and Lorraine Warren's history of lies and decades long pattern of excuses of "lost" and "missing" proof.
 2. Evidence that the Warren's Cases are only retellings of remembrances and impressions, not facts.
 3. Defendants admissions that their moves are based on the "Case Files of the Warrens" which means they are based on the Warrens' remembrances, recollections and conjecture, and not historical facts.
- b) Defendants prior claims and position in other forums that their movies are based on the "Warren Case Files" means they are estopped from now claiming their movies are based on historical fact rather than on the Warren Case Files, and as such they cannot make any claims of copyright exception for "fair use" or that Plaintiff is only entitled to "thin" copyright protection.
- c) Defendants admissions of misappropriation and infringement.

389. For example, the determination of whether the work is based on historical facts or not determines if *The Demonologist* enjoys "thick" or "thin" copyright protection. The determination of "if based on historical facts" requires an examination of:

- a) If the main events of Defendants movies did not take place, then the Defendants movies cannot be based on historical facts.
- b) The Warrens' claims of what happened in their investigations (i.e., the content of the Warren Case Files) is directly tied to their credibility, or more appropriately their lack of credibility. The Warrens are the source of the Case Files, if their credibility is compromised so are the Warrens' Case Files. If the Warrens credibility is compromised, then Defendants cannot claim the case files are "based on historical fact."
- c) The evidence of Defendants' repeated admissions that their *The Conjuring* movies are based on the Warren's case files rather than on historical facts.

390. Each and every instance delineated herein where Defendants admit that their movies are based on the Warrens' Case Files serves as a simultaneous, and separate admission of five things (the "Five Admissions" herein):

- a) First, an admission of Defendants' misappropriation of Plaintiff's exclusive rights to use the Warren Case and Case Files per the Collaboration Agreement;
- b) Second, an admission of Defendants' separate and unrelated infringement of his copyright protected rights included within his subsidiary motion picture rights;
- c) Third, an admission of violation of the no "competing work" provision of the Prentice Hall Agreement;
- d) Fourth, an admission that Defendants' movies were based specifically on the Warrens Case or Case Files and not on historical fact; and
- e) Fifth, an admission that Defendants New Line and Warner Brothers conspired with Lorraine Warren to misappropriate Plaintiff's exclusive rights to use the Warren Case and Case Files, infringe on of Plaintiff's copyright protected rights included within his subsidiary motion picture rights, and violate the no "competing work" provision of the Prentice Hall Agreement.

Each of the foregoing serves as a separate and distinct reason that the Defendants movies are unlawful and were willfully made with malicious disregard of Plaintiff's rights.

A. DEFENDANTS MOVIES ARE NOT BASED ON FACTS BASED ON THE DOCUMENTED HISTORICAL RECORDS

391. Defendants movies, despite what they may claim are not based on "historical facts."

The Defendants were fully aware of the true facts in *The Conjuring* movie case *before* they commissioned Chad and Carey Hayes to write a script that was based not on fact; but, rather on the Warrens Case Files which are not based on the facts. To the extent the Defendants' movies are not based on "historical facts" they cannot claim they are protected by the "fair use" doctrine exemption to copyright.

392. Additionally, as detailed below, Plaintiff believed, at the time he wrote *The Demonologist* that the Warrens were being truthful with him and were giving him the "facts" of the cases he wrote about and that their Case Files themselves were grounded in fact. What is a now clear, only some forty years later, is that the Warrens duped the Plaintiff as they did with other writers in an elaborate decades old scheme they designed to deceive the public and line their own pockets. Plaintiff, like other writers that worked on books with Warrens, was led by Ed and Lorraine to believe they were writing about factual events, when in reality the Warrens were "making it up" the entire time. Other writers, independently corroborate hereunder, that they were led by the Warrens to believe that were writing works of non-fiction according to the Warrens, when in reality these works are fiction. This deception of the Warrens also means these books, including the Plaintiff's, are not grounded in fact and are to be accorded "thick" copyright protection.

393. To summarize the Defendants' *The Conjuring* movie it is a story that takes place on a Rhode Island farmhouse in the 1800's. In their movie, a practicing witch named Bathsheba Sherman, while in her late 20's or early 30's murders her baby as a human sacrifice to Satan by piercing is skull with a knitting needle. She then runs to a large tree on the property, climbs into the limbs and hangs herself as an offering to Satan (in exchange for her returning as an all-powerful, ever beautiful entity in charge of a legion of demons). Cut to present day. Caroline

Perron and her family move into the Sherman farmhouse. The first night their dog mysteriously strangles himself outside on his chain. Strange things happen. The family discovers a secret boarded up room in the basement. The spirit of the evil Bathsheeba Sherman possesses the mother, Caroline Perron. The Warrens investigate. The Warrens determine the mother is possessed. They get the family out of the house and have them stay elsewhere. Possessed, Caroline takes the two youngest children surreptitiously back to the farmhouse. In the throes of possession Caroline takes one child into the basement to sacrifice the child to Satan. Thousands of birds swarm the farmhouse and crash into it. The Warrens find out about Caroline and race to the farmhouse. One of the paranormal investigators who has been helping the Warrens, a local police officer, takes a shotgun and blasts the locked farmhouse door open. Ed Warren runs down into the basement where they grab Caroline. Ed Warren then conducts an exorcism on Caroline to save her mortal soul. He is successful and frees Caroline from the spirit of the witch. The end.

394. A wonderful story, but not based in fact... let alone historical fact. Carey Hayes in an interview admits the Warren Cases are not absolutely, positively, 100% based in historical facts. He merely says that “some,” not all but just some of the Warrens’ stories are “supposed to be true.” (See Exhibit 81A, page 2, ¶ 5)

Carey Hayes: Right! It is frightening because some of this is supposed to be true, or based on events that are true.

Exhibit 81. “Supposed to be true” in no way equals being based on historical facts.

395. Why does the writer, Chad Hayes, who is also one of the Defendants make such a statement? Because the Hayes Defendants, along with James Wan, New Line and Warner Brothers all actually knew full well that the events, story and Warren Case File of the Perron Farmhouse,

they depicted and passed off as “true,” was proven to them to never have been factual, nor based on historical facts – *before* they even wrote the script and before they made the movie.

396. On September 21, 2011, *The Conjuring* movie Producer Tony DeRosa-Grund sent Defendant New Line, Defendant Wan (via his manager Stacey Testro as Wan had requested), Chad Hayes and Carey Hayes an email (Exhibit 63) in which he provided them with an extensive multipage report from one Pat Mehrtens. See Exhibit 64 (“Mehrtens Report”).

397. Mehrtens had at the time been for many years, and still is, the historian for the town in Rhode Island where the Perron farmhouse is located. Mehrtens website as the town historian is: <http://www.burrillvillehistory.net>. The Mehrtens Report, containing pages and pages of the real historical facts surrounding the Perron Farmhouse, was given by Mehrtens to DeRosa-Grund. He in turn gave it to the Defendants with whom he discussed it at length.

398. The Mehrtens Report was culled from Mehrtens’ research, knowledge as the town’s historian and was derived from the actual town records, local birth and death records, local cemetery records and actual newspaper reports from the time that the events depicted in the Defendants movie were supposed to have “historically” taken place. Defendants had knowledge of what was contained in the Mehrtens report before the script for *The Conjuring* was written. They knew that certain things in their *The Conjuring* film are not now, and never were, facts, let alone historical facts, including; but not limited to the following as detailed in the Mehrtens Report:

///

The Lies – The Conjuring Movie	The Facts – The Mehrtens Report
<p>Defendants in their The Conjuring movie, and the Warrens in their Case File, claim that Bathsheba Sherman was a practicing witch in the 1800's.</p>	<p>Bathsheba Sherman was perceived to be a nasty and universally disliked woman who “fed her farmhands very poorly, “did what she had to get what she wanted” and was a “conniver” (Mehrtens Report at Page 5, ¶ 5).</p> <p>However, nowhere in Mehrtens report does it state that there is one single instance, one single fact in either the town records or the newspaper reports of the time that Bathsheba Sherman was a practicing witch, or even ever accused of being a witch.</p> <p>The depiction of this “conniving” woman as a witch in both the Defendants’ movie and in the Warren’s Case File is not based at all in fact or historical fact.</p>
<p>Defendants in their The Conjuring movie and the Warrens in their Case File claim that Bathsheba Sherman hung herself in her barn (as Ed and Lorrain Warren claim in their Case File and on their Caroline Perron Interview Tape), and alternatively in a tree (as depicted in the Defendants’ movie) while in her 20’s or 30’s, all while proclaiming her love of Satan and placing a curse on her family.</p>	<p>The historical fact, and the truth derived from the town records is that Bathsheba Sherman died in her own bed, of paralysis at the age of 71. She never hung herself from either a tree or in her barn in her 20’s or 30’s. (Mehrtens Report at Page 1, ¶ 1 quoting the Burrillville Town Hall Records Vol 1, Deaths 1854-1890, Page 57);</p>

The Lies – The Conjuring Movie	The Facts – The Mehrtens Report
<p>Defendants in their The Conjuring movie and the Warrens in their Case File claim that Bathsheba Sherman murdered her own infant child by sacrificing it to Satan</p>	<p>This act of infanticide as depicted in the Defendants’ movie and contained in the Warrens Case file is not only not a fact; it is not at all true. There are some records that indicate Bathsheba was babysitting someone else’s baby and it died when it somehow fell or rolled on to a sewing needle. An inquiry was made at the time but Bathsheba was never charged. (Mehrtens Report at Page 4, ¶ 4)</p>
<p>Defendants in their The Conjuring movie and the Warrens in their Case File claim the baby was sacrificed by a knitting needle being driven through its head by Bathsheba. On the Perron Interview Tape, part of their Case File, the Warrens claim the baby’s name was “Harmony Arnold.”</p>	<p>Mehrtens could find no such murder in the historical records of the time she has access to as the town historian. Nowhere in the town’s historical town, birth, death, cemetery and newspaper records. The Mehrtens report states, “I could find no Harmony Arnold who died from a stake driven through its head...” (Mehrtens Report at Page 5, ¶ 4). What is in the Warrens Case File is not only not true; it is not a fact.</p>
<p>The Defendants in their The Conjuring movie, and the Warrens in their Case File, claim that Bathsheba committed suicide in her late 20’s or early thirties by hanging. A “a historical event” that Lorraine Warren also claims on the Perron Interview Tape (in the Warren Case File) to have psychically seen in a “vision,” which Defendants also portray as her having done in their The Conjuring movie.</p>	<p><u>Lorraine Warren could not have “psychically” seen a vision in the past of Bathsheba Sherman’s suicide by hanging because it never happened.</u> The records show Bathsheba died in bed of paralysis at 71 years old (Mehrtens Report at Page 1, ¶ 1 quoting the Burrillville Town Hall Records Vol 1, Deaths 1854-1890, Page 57).</p> <p>What is in the Warren Case File is not true, what Warren claims to have psychically seen and Defendants recreation of Warren’s claim in their movies is neither historical nor factual.</p>

399. Mehrtens sums it all up where she says in the report (Ex. 64) that the area around

the Perron Farmhouse is “steeped in misery and mystery.” (Mehrtens Report at Page 6, ¶ 2); Not one single “fact” about Bathsheba in the Defendants’ motion picture depiction of her, nor in the Warren Case File, nor on the Perron Interview Tape is a “fact” let alone a historical fact.

**B. THE PERRONS’ REMEMBRANCES AND WARREN’S OWN ADMISSIONS
SHOW THEY ARE NOT HISTORICAL FACTS.**

400. Lorraine and Ed Warrens claims of what happened in their Perron Farmhouse Case File, which the Defendants freely and publicly admit their *The Conjuring* movie was based on, does not at all jive with the real historical facts as detailed in the Mehrstens report. This is a pattern of deceit that is part of a scheme that the Warrens have perpetuated for years.

401. From the audio taped interview of Caroline Perron (Exhibit 65) we find that the major demonic and paranormal time line events as depicted as facts that the Defendants *The Conjuring* movie are based on the unsubstantiated psychic visions of Lorraine Warren and not on facts, historical or otherwise. Even “real world” events as portrayed as facts in the movie by Defendants, are not really facts at all - most of these events not only are not facts, they never even happened. For example:

- a) The Defendants depict the Perrons’ dog as strangling itself on its chain. The truth is that it simply refused to go inside and would often go to a neighbor’s house.
- b) The Defendants depict the Perrons as discovering a secret room in their basement. While there was a basement, there was no secret room ever discovered.
- c) The Defendants depict the Warrens as convincing the Perrons to move out of

the farmhouse. The Warrens never convinced the Perrons to move out of the house, even temporarily to stay somewhere else.


- d) The Defendants in their movie depict Caroline Perron as attempting to sacrifice one of her children to Satan. Caroline Perron never absconded with any of her children and took them back to the farm and tried to sacrifice them to Satan.


402. Additionally, in an extensive email from Producer Tony DeRosa-Grund to the studio, he indicated to New Line that he was upset with the fabrication of the scene at the end of the movie with the birds attacking the Perron farmhouse as it was not only not real, it never ever happened. He told the studio in that email that the writers, in creating that scene were also very close to infringing on Alfred Hitchcock's famous movie "The Birds" as well as reusing a very similar scene from their own earlier movie "The Reaping." *See* Exhibit 66. The massive flock of birds swarming the Perron farmhouse, part of the climax of the movie, never happened and is also not a fact, despite the fact the studio was marketing move as being based on the "true Case Files of Ed and Lorraine Warren."


403. The entire ending of the exorcism in the basement "conducted by Ed Warren" is not fact and never happened. Whatever else Ed Warren claims to have done, despite what the Defendants' movie recounts as a "historical fact," Ed Warren has publicly stated that he never, ever himself conducted an exorcism. In the transcript of a taped interview between Ed Warren and Tony Spera, which Spera posted on his Facebook page, Ed Warren himself states that he never, ever conducted an exorcism on anyone. The relevant portion of this interview is reproduced in parts below. *See* Exhibit 67 at Page 6, ¶ 7-13 and reproduced in part below.

10/15/2016

(4) Interview with The Demonologist


 Find friends





 Toni


Home


Find Friends





 4






Interview with The Demonologist

September 6, 2011 at 3:41pm

INTERVIEW WITH THE DEMONOLOGIST

From an interview in 1998 between Tony Spera & Edward Warren



Tony Spera
 UConn

All Notes

Q: So Ed, let's say that a person is actually possessed by a devil or demon. How do you help them?

A: *Through the rite of Exorcism....the casting out of evil spirits.*

Q: How many people have you personally exorcised?

A: *None.*

Q: None? I thought you said.....

A: *Yeah. I said I was personally involved in 70 or 80 exorcisms. But I never performed one. That's left to an exorcist. An extremely holy and pious individual, usually a priest, minister, or rabbi. I've been present at these exorcisms, watched the rite being performed by these holy men. And it's only as effective as the priest or minister's or rabbi's faith. They MUST be true to their faith. They MUST be holy and pious...or they won't be successful.*

Exhibit 67.

404. But there was no Church involvement in the Perron Case; so, there was no priest for Ed to assist, hence no exorcism. Despite this, the Defendants' *The Conjuring* movie's ending depicts Ed Warren, alone, without a priest, conducting an exorcism on Caroline Perron. This cannot be a fact, or historical fact, in light of Ed Warrens own statement above. Defendants' movie's ending and events are not "literary license." Ed Warren in his own words states here he never personally performed an exorcism on anyone, ever. Therefore, the entire ending of the movie

is not factual, let alone based on historical facts. What is more disturbing is that Ed Warren states at other times, including on his taped interview with Caroline Perron (Exhibit 65 “Perron Interview Tape”)), that he did perform an exorcism on Caroline Perron. The only way one can reconcile these two mutually exclusive statements is that what Ed Warren says in the transcribed interview of his from 1998, decades after the events in the Perron farmhouse supposedly took place, with Spera, his own son-in-law, is spontaneous and true. Further proof that what is not true, nor factual, are the “stories” contained in the Warren Case Files, and used as the basis of Defendants movies. What is in the Perron Case File is a fabrication that the Defendants replicated in their movie, and Defendants, like the Warrens, try to pawn off on the public as “fact.”

405. Additionally, Lorraine Warren has repeatedly made claims, contained in the Warrens’ Perron Farmhouse Case File, and on the Perron Interview Tape, that she psychically had a “vision” of the past and saw Bathsheba Sherman hanging with a noose around her neck from the rafters of the Perron Barn. This statement of Lorraine Warren’s, which both she and Ed Warren have repeated in their Case Files, lectures and to the public at large, is not only a fabrication by Mr. and Mrs. Warren, but, an impossibility as the Mehrtens Report from the town historical records shows Bathsheba died in her bed at seventy years old. The Defendants movie (claiming Bathsheba hung herself from a tree) is not based in fact and neither are the Warrens claims and Case Files. What the Warrens have told people over the years, including Brittle in writing his book, that the material in the Warren Cases was true and factual, was false as the material was nothing more than stories they made up about their investigations. People, like Brittle, who believed the Warrens, and took them as “truthful” and at face value, were all duped by Ed and Lorraine Warren.

406. What is also not factual, and maybe the biggest fabrication of all, is the Warren family dynamic regurgitated repeatedly by Lorraine and Ed Warren for nearly fifty years and

depicted in Defendants' movies - that of Ed and Lorraine Warren as being a loving husband and wife and devoted parents. It is most curious that in the Warren 2011 OQA Agreement (*See* Exhibit 6 at Page 15, "4B. Portrayal Restrictions, (iii)"), there is a clause which states the studio cannot show the Warrens as engaging in any "extramarital affair."

"The characters of Ed and Lorraine Warren will not be portrayed in the following manner in the Picture or any other production based on the Property: ...(iii) participating in an extramarital sexual relationship..."

Plaintiff plans to have Ms. Judy Penny testify as to the absolute charade of this family dynamic as told by the Warrens, and as depicted as "fact" in all of the Defendant's movies. The true family dynamic was known at the highest executive levels of both New Line and Time Warner. These executives of the studio Defendants chose to willfully and knowingly ignore the truth in order to protect their billion-dollar franchise rather.

407. Ms. Penny is not only the witness to the bulk of the publishing agreements discussed and exhibited herein, for years she actually lived in the Warrens' house and has an intimate knowledge of, and is readily able to testify to the epic falsity of this aforementioned family dynamic. A family dynamic that was knowingly, fraudulently and to this day still perpetuated by the Warrens, their daughter, son-in-law and the studio Defendants herein on the public at large – all to make, and protect a billion dollar franchise – at all costs, including the truth.

408. The Defendant's *The Conjuring* movie is built not on "facts" or on "historical facts." Rather, it is knowingly built on stories, impressions, conjecture, fiction and in the case of the Warrens, fabrications. There are no historical facts of a witch ever existing at the Perron farmhouse, a witch hanging herself, possession, Satanic worship or child sacrifice.

409. Regarding the Defendants' *Annabelle* movie, the Defendants freely admit that the "story line" in that movie never actually happened. That it is a story they made up as an origin to

the Annabelle doll and chapter of Annabelle in *The Demonologist* book. Lorraine Warren and Tony Spera both confirm the storyline in the Annabelle movie was “fabricated” in a newspaper interview they did with the New Haven Register in October of 2014. *See* Exhibit 88. In the New Haven Register article, written by a reporter who attended one of the Warrens lectures, the reporter states:

“The movie is a prequel to “The Conjuring,” based on the Warren’s real-life case involving the doll. The couple had a lot of input in the first movie, but [the second movie] “Annabelle,” is fabricated.”

Exhibit 88 at ¶ 6). The article goes to state that Lorraine Warren does not even care that the story in the Annabelle movie is “fabricated” by the Defendants:).

“Spera and Warren said they don’t really care that the producers of “Annabelle” fabricated the story for the movie because it still serves the purpose of warning the public about demons.”

Exhibit 8, Page 3 at ¶ 11).

410. This is despite Defendants having used parts of the Plaintiffs Annabelle chapter from *The Demonologist* in their *Annabelle* movie, which Defendants in turn reused, repeated and recycled from their prior use of same in their *The Conjuring* movie. Defendants cannot claim the storyline of Anabelle (nor upon information and belief *Annabelle 2*) is based on historical facts as it was “fabricated.” Since it is fabricated and not factual it cannot enjoy any exemption from copyright protections. **At best, the Defendants Annabelle movie is an unauthorized derivative work that infringes on Plaintiff’s exclusive right to authorize derivative works contained within his subsidiary motion picture rights. At worst, it contains direct infringement of Plaintiff’s copyright protected rights.**

411. It is upon information and belief that Defendants’ *Annabelle 2* is similarly not based

on historical fact, is also an unauthorized derivative work and this similarly infringes upon Plaintiff's copyright protected rights, at minimum that of his exclusive copyright protected right to authorize derivative works.

412. Defendants previously used parts of the Annabelle chapter of *The Demonologist* in their *The Conjuring* movie, and then made up a new story for their *Annabelle* and *Annabelle 2* movies based on the Annabelle chapter in Plaintiff's book. Defendants thus admit these two movies are not only derivative works, they are unauthorized derivative works. The exclusive copyright protected right to make derivative works from the Annabelle chapter is exclusively Brittle's. At no time did Plaintiff authorize the Defendants to make any such derivative works.

413. Additionally, each of Defendants' *Annabelle* and *Annabelle 2* films separately misappropriates Plaintiff's exclusive "right to use" the Annabelle Case and Case File of the Warrens.

414. Additionally, both of Defendants *Annabelle* and *Annabelle 2* films are prohibited and unlawful under the no "Competing Work" provision Warren remains bound by under the Prentice Hall Agreement.

415. Similarly, the Defendants' storyline of the Warrens as depicted by the Defendants in their *The Conjuring 2* movie is equally "unreal." As discussed below, the extent of the Warren's involvement in the Enfield case is subject to dispute from those that were there.

416. In a letter from New Line attorney Michael J. O'Connor (Exhibit 31), Mr. O'Connor admits that the storyline in *The Conjuring 2* movie departs from what is in Enfield Chapter of *The Demonologist*. See Exhibit 31 While in his letter Mr. O'Connor tries to highlight the differences in the movie and the book, what he is really doing is proving that what the Warrens now say happened in their Enfield Case, as compared with what they gave Brittle from their Case

Files when he wrote the book, are wildly inconsistent. As such they both cannot be simultaneously true. While the Warrens may have been at the home in the Enfield Case and conducted some superficial investigation, there are serious concerns raised by other others to the veracity of anything the Warrens claim to have happened in their investigation at Enfield as discussed more fully below.

417. Defendants Chad and Carey Hayes also publicly admit that Defendants' *The Conjuring 2* motion picture is not really at all based on historical facts. As part of the "press day" for *The Conjuring 2*, the Hayes Defendants participated in a "roundtable" interview session. Many media outlets participated including Collider.com. A Collider article recapping that interview states that the Hayes Defendants spoke to a number of issues including "making sure the story feels like what happened even if it's not 100% factually accurate." Exhibit 87, Page 1 at ¶ 2. What the Hayes Defendants and co-writer David Leslie Johnson stated with regards to the film not being based on historical fact is recapped in the Collider article:

"The film [The Conjuring 2] is not exactly true to the events that happened, but the writers – Carey & Chad Hayes and David Leslie Johnson – wanted to make sure that, above all, it feels like what happened."

Exhibit 87, Page 2 at ¶ 6.

418. True or not - and it is decidedly not true - at the end of the day it does not affect the fact that Defendant's *The Conjuring 2* (Enfield Case) movie is at best an unauthorized derivative work that infringes on Plaintiff's copyright protected rights contained in his subsidiary motion picture rights.

419. Defendants' *The Conjuring 2* separately misappropriates Plaintiff's exclusive

“right to use” the Enfield and Amityville Cases and Case Files of the Warrens.

420. *The Conjuring 2* film of Defendants is also prohibited and unlawful under the no “Competing Work” provision Warren remains bound by under the Prentice Hall Agreement.

C. LORRAINE AND ED WARRENS HISTORY OF UNTRUTHS

421. Given the prior discussion of Ed and Lorraine Warrens’ knowing, willful and self-serving fabrications (i.e., claiming that events in cases happened when in reality they did not, Lorraine Warren stating she has “seen” things psychically in the past, like young Bathsheba Sherman hanging herself in her barn when the actual historical record proves Warren’s retrocognition “vision” is impossible as the woman died of paralysis in her seventies), the Warrens’ credibility is not just suspect, it is non-existent.

422. In recent years, there has been an outpouring of reports, from parties whom the Warren have worked with that show the depth and breadth of the Warrens deceit. These reports, sampled below, show how such deceit permeates every aspect of the Warrens’ “work” from their lectures, to Case Files, and unfortunately what they tell those who, like the Plaintiff, have taken them at face value when collaborating with the Warrens.

423. **Their business dealings:** Ed and Lorraine Warrens’ deceit has been personally experienced by the Plaintiff. The Warren’s were contractually prohibited from entering into any deals regarding any unsold, jointly owned rights to *The Demonologist*; however, that did not stop them from willfully, repeatedly and unlawfully, ignoring these contractual obligations of theirs.

424. Ignoring the Prentice Hall Agreement, the Collaboration Agreement and the Collaboration Agreement First Amendment (among others) that the Warrens themselves signed and agreed to, the Warrens went behind Plaintiff’s back and sold rights to *The Demonologist* book

anyway. Multiple times. The Warrens did not care about their contractual obligations, nor the Plaintiff, when they hid these unlawful deals including, but not limited to:

- (i) the 1997 deal they did with Warner Brothers for a “The Demonologist” movie,
- (ii) the 2002 Piltdown Agreement for a deal with Teddy Tenenbaum, Joel Silver and NBC for a “Demonologist” television series; and,
- (iii) the 2011 OQA with Defendant New Line for a franchise of movies and rights including those to *The Demonologist*.

425. **Their cases:** The Warrens lies extend not only to their Case Files as discussed at length above, they have lied about their actual roles and involvement in many cases.

426. For years, the Warrens claim to have spearheaded the Amityville Horror case about the Lutz family. In the opening of *The Conjuring 2*, the opening of the movie, that Defendants claim is based on the “True Case Files of the Warrens,” that Ed and Lorraine were called into in by the Catholic Church on its behalf to investigate the Amityville horror case. This “truth,” and “facts” claimed by the Warrens, and depicted in Defendants *The Conjuring 2* movie, are neither truth nor fact.

427. This following is the truth. WNEW TV reporter Laura Didio was actually the person who befriended the Lutz’s family and got permission to conduct and film a séance in the infamous Amityville house. It was Didio, and not the Warrens, as the Warrens proclaim on their website, www.warrens.net who put the séance in the Amityville house together for WNEW News. The Warrens were only two investigators invited by Didio, who compiled a group of nearly a dozen paranormal researchers, psychics and parapsychologists to participate in the séance. While the Warrens were there at the séance, they were merely just two of a dozen people there and they certainly were not the initiators of the event or the investigation.

428. In the Enfield Case the extent of any involvement of the Warrens has been characterized by many as “peripheral at best.” When Tony Spera, Lorraine Warren’s son-in-law, posted on Facebook a diatribe detailing his repeating of the Warrens’ vast involvement of the Warrens in the Enfield case, people complained about the lies contained in Spera’s post, including a website called “Skeptics Boot”. *See* Exhibit 83. Spera then, “doubles down” and rants on the website that Facebook took his post down - not because of the true reason his post was removed which was his claims of the extent of the Warrens involvement were determined to be false - but he instead crafts alternative excuses –i.e., it was because of Facebook’s “less than democratic polices” and alternatively that Facebook was “hacked.” Neither alternative conspiracy theory of Spera’s is true. Facebook took Spera’s post about the Warrens involvement in the Enfield Case down because Facebook determined that the complaints of fraudulent claims of Warren involvement were true and Spera’s claims were not. Some excerpts highlighted from that Skeptics Boot article (Exhibit 68) delineating the Warrens’ lies regarding the Enfield Case, and the extent of their involvement in it are excerpted below:

- a) [Skeptics Boot quoting Spera’s own Facebook Post] “Also, keep in mind that Ed Warren visited the [Enfield] house in 1979. The British investigators supposedly were there in 1977 for more than a year. Did they solve anything or help the family in anyway? *Apparently not, as the phenomena was still occurring when Ed went to the house in 1979.*”

[Skeptics Boot] This is directly contradictory to the few interviews Janet Hodgson, the 11-year-old girl around which the haunting seem to be centered (or who was the main hoaxter depending on your stance), has given

since 1978. She states that the paranormal events more or less ended in 1978 after an exorcism by a local priest...”

- b) [Reprinting Spera’s original post] “He [Spera] also states: "There were two other investigators in the house, accompanying the Warrens, Paul Bartz (since deceased) and John Kenyhercz, alive and well, who will testify to this fact. John was witness to much phenomena; one incident involved a huge lump of excrement plopping (materializing) on the floor right in front of him. John also supplied to me dozens of photographic slides he had taken in the house."

[Skeptics Boot] Again, where are these slides? And again, Why not just release them?

Exhibit 68. Again, the Warrens inability to produce “evidence” and “proof”, when pressed to do so, is a pattern that recurs through their “career.” Spera has come up with a new “twist” of the Warrens pattern of “the dog ate my homework” litany of excuses as to why they can never present any concrete evidence when asked. Spera, who now runs Lorraine Warren’s businesses, states on another Facebook post of his, where he crafts a new misdirecting reason why the Warrens can’t ever show proof of their claims of the demonic and supernatural. Spera now states that things like “angels and demons” and “God” cannot be proved. Spera says that the Warrens cannot deliver proof of supernatural or demonic occurrences during their investigations because, “There are many things that cannot be proven scientifically.” However, if you cannot prove something, it is not a

fact, historical, scientific or otherwise.

429. Horror movie website *Dread Central* picks up this analysis of the Warren's lies in an article entitled, "The Conjuring 2 – Original Enfield Investigator Calls B.S. on The Warrens' Part2" which was posted on January 11, 2016 by author Steve Barton (Exhibit 69). (<http://www.dreadcentral.com/news/146332/original-enfield-investigator-calls-b-s-on-the-conjuring-2/>). The article refers to Guy Playfair, who really was the true lead investigator in the Enfield matter. What Playfair had to say about the Warrens was not kind. The article is quoted as follows:

"Well, here's something extremely interesting... The new film The Conjuring 2 is based upon The Enfield Poltergeist case that took place at a council house from August 1977 to 1979. The lead investigator on that particular piece of paranormal history, Guy Lyon Playfair, was recently interviewed on Dave Schrader's Darkness Radio, and **he had some interesting words regarding the involvement of investigators Ed and Lorraine Warren.**

[Quoting from the Playfair audio] "They [the Warrens] did turn up once at Enfield, and **all I could remember was Ed Warren telling me that he could make a lot of money for me out of it,**" says Playfair. "So I thought, 'Well, that's all I need to know from you,' and I got myself out of his way as soon as I could."

[Playfair continues] "I don't think he [Ed Warren] went there more than once. I did read somewhere a transcript of a lengthy interview which he's alleged to have had with one of the girls, which they couldn't remember giving him. It was describing all sorts of marvelous wonders which I don't think ever happened. I think he was a complete... well...

fill in whatever word you want.”

Exhibit 69. A link to the entire original Playfair audio interview is also contained in the Deadline article. Any claims of the Warrens as to not only what happened (i.e., their Case File); but, also their involvement is certainly suspect, as is their credibility.

430. **Other Warren collaborators first hand evidence of Warrens lies:** One of the many persons disputing the Warren’s credibility and that of what they claim took place in their investigations was Ray Garton, the author of the book “In A Dark Place,” who collaborated with the Warrens in writing about another one of their cases. Garton’s book about the Warren’s case of the Snedeker family is also billed as a “true story.”

431. When the accounts of the Snedekers were not adding up, Garton brought his concerns to Ed Warren. Garton stated in a published and tape recorded interview that:

“When I found that the Snedekers couldn't keep their individual stories straight, I went to Ed Warren and explained the problem. "They're crazy," he said. "All the people who come to us are crazy, that's why they come to us. Just use what you can and make the rest up. **You write scary books, right? Well, make it up and make it scary. That's why we hired you.**”

Exhibit 70 at Page 2, ¶ 2 (“Garton Interview”) (Emphasis added.) “Make up the rest” said Ed Warren. Make up the rest.

432. Garton then asked the Warrens for actual evidence that the events surrounding the Snedeker’s accounts of supernatural occurrences did indeed take place, but the Warrens could never provide any such evidence of the events being historical facts. As Garton continues in said interview. Specifically, it provides:

“The Warrens repeatedly told me they had videotape of actual supernatural activity shot in the house and they were going to show

it to me while I was there, but they never did. They said they couldn't find the tape. I never saw the inside of the house [former funeral home in the story] because the people living there at the time wanted absolutely nothing to do with this circus, and they claimed there were no problems at all in the house. The Warrens explained that this was because the house had been cleansed by a priest who had performed an exorcism, but to the best of my knowledge, **the Catholic church has absolutely nothing to do with the Warrens in any official way and there are questions about the legitimacy of the priests who work with them.**”

Exhibit 70 at Page 2, ¶ 7.

433. Something as important, “earth shattering” and precedential as a tape evidencing such supernatural occurrences, if in the Warren’s possession, and if it actually ever existed, would be irrefutable evidence that could fully and completely, once and for all validate not only the Warren’s credibility, but show proof of the supernatural, God and the Demonic. Such a tape would have been afforded the premier place in the Warrens’ Occult museum with the rest of the items they have collected from their investigations; if such a tape existed. Such a tape of the Warrens’ would have been kept safe and secure. The Warrens would have made multiple copies of that tape and then given a copy to every television station, newspaper and media outlet in the country. Such a tape could have once and for all silenced all their critics and detractors... if such a tape of the Warrens actually existed. But the Warrens did none of this with the supposed tape they claim to have had. What happened to the purported tape? They “lost it,” not only casting doubt that such a tape ever existed, but casting even more doubt on the Warrens’ claims of what took place in the Snedeker Case, Case File as well as all their claims of what happened in all their other cases - and

in the process destroying their own credibility.

434. In not one of at least the 8,000 cases that the Warrens claim to have investigated over their 50-year career have they been able to secure real and verifiable proof of even one supernatural event to evidence same as a “historical fact.” Not one verifiable piece of evidence was obtained by the Warrens and given over the press, or the public, over the course of their fifty years of their conducting thousands of investigations to evidence and confirm that any of the events in the cases they investigated were actually historical facts. This includes, but is not limited to, the tapes that the Warrens gave to Brittle that they purportedly made while such supernatural phenomenon was “taking place.” This also includes, but is not limited to the Enfield Voices tapes of the Warrens. (Again, these aforementioned tapes of the Warrens’ provide no actual verifiable evidence of historical facts. These tapes are nothing more than the claims of the Warrens and those involved in said cases and such tapes have no provenance whatsoever.)

435. This well defined pattern of the Warrens’ deceiving writers with false promises of giving them a “fact-based” story so the author could write a supposed non-fiction work is further delineated by Garton when he states:

“Since writing the book, I’ve learned a lot that leaves no doubt in my mind about the fraudulence of the Warrens and the Snedekers -- not that I had much doubt, anyway. I’ve talked to other writers who’ve been hired to write books for the Warrens -- always horror writers, like myself -- and their experiences with the Warrens have been almost identical to my own.”

Exhibit 70.

Garton continues and states:

“If my book was inaccurate, it's because I was told [by the Warrens] to make up whatever I needed to... I have been telling my story [regarding the Warrens fraud] since In A Dark Place was published because my name is on that book, and it disturbed me that it was being sold as "non-fiction." I wanted to make sure I had a clear conscience, ... So I signed on. After I learned that the whole thing had been concocted by people looking for a book deal and a possible movie deal, I was locked in. The publisher had no interest in anything I had to say. I was contracted to write this book, and the book was always meant to be "non-fiction." It wasn't really my book, I had no control over it. I'd been hired to do a job, and nothing more. The book's "non-fiction" status was entirely out of my hands.”

Exhibit 70.

436. When asked if he would see the movie (“A Haunting in Connecticut”) based on the Snedekers rights, Garton sums up his feeling about the Warrens and his experience as a writer who worked with them:

“...I really have no interest in seeing the movie. **I've had my fill of this con.**”

Exhibit 70.

437. **The Catholic Church distances themselves from the Warrens:** In recent years, the Catholic Church and other clergy distanced themselves from Ed and Lorraine Warren, in no small part due to the lack of the accuracy and truthfulness of their claims in the cases they investigated. In the book “American Exorcism,” author Michael W. Cuneo writes of Father McKenna, a priest who worked with the Warrens on occasion. Cuneo recounts his conversation with McKenna regarding the Warrens. *See* Exhibit 85:

Father McKenna said that the “[Warrens’] books are sensationalized, and you just can’t take it literally. **I don’t like to be publicly associated with them.**”

Exhibit 85.

438. In short, the Warrens have no credibility whatsoever. They have lied and deceived business partners, their collaborators, the subjects of their investigations and the public at large. The “facts” they claim as being “real” and “true” regarding their Case File and Cases are now evidenced to be no more than fabrications, an elaborate sales pitch designed to deceive the public. Why would they do this to their own business partners and the public? The answer is simple. Money. In his audio interview Guy Playfair (Exhibit 99 found on CD attached to this complaint) and publicly available on <http://twincitiesnewstalk.iheart.com/onair/darkness-radio-24463/just-how-involved-were-the-warrens-14254983/>) Guy Playfair states at the 00:45 mark:

“I think they did turn up once or twice at Enfield and all I can remember is Ed Warren telling me that he could make a lot of money for me out of this [the Enfield Case].”

Exhibit 99 (see CD attached to this complaint for this exhibit).

439. Playfair declined Warren’s overture. He also speaks to Ed Warren’s “manufacturing” of claims of “facts” in the Enfield Case. Playfair’s interview (Ex. 99) continues at the 1:08 mark where he states:

“I did read somewhere a transcript of a lengthy interview of a transcript he [Ed Warren] alleged to had to have done with one of the girls which they couldn’t remember giving him...it was describing all sorts of marvelous wonders which I don’t think has happened.”

Exhibit 99 on CD attached to this complaint.

440. The interviewer asks at the 1:36 mark of the interview (Ex. 99) what Playfair, from his interactions with the Warrens what he believed the Warrens’ intentions were with regards to

their cases/investigations. Playfair responds:

“No, he [Ed Warren] just wanted to make money out of it.”

Exhibit 99 on CD attached to this complaint. Playfair states on the tape (Ex. 99) that Ed and Lorraine Warren showed up at the Enfield home “uninvited” and tried to insert themselves into the case. This is part of the Warren’s well established pattern and scheme.

441. In another case in Wilkes Barre, Pennsylvania, the Smurl Case, Ed Warren at one point told the press he had taped evidence of the demonic activity in the house. However, when the press asked him to show them that evidence, Ed Warren offered up yet another excuse as to why the evidence could not be produced. Ed Warren incredibly told the press that the Catholic Church took his evidence. A claim that the Church denied. (See CD attached to this complaint for the video file that is Exhibit 103 an extract from video at <https://www.youtube.com/watch?v=RuBx-xMFupo>). Another article from the UPI archives (Exhibit 104 is found at <http://www.upi.com/Archives/1986/08/26/Evidence-withheld-on-haunted-house/1268525412800/>) with the headline “ 'Evidence' withheld...” From the body of the article it is clear that the UPI reporter did not believe the evidence the Warrens claim to have possessed any evidence in the first place that was “taken” by the Catholic Church in the Smurl Case. The UPI article states:

“Tempers exploded at a news conference Monday when Edward Warren, director of the New England Society for Psychic Research, offered no hard proof to back up his claim that the house is infested by demons.

'Show us something!' one frustrated reporter shouted. 'Give us something to go with!'

'We're giving you everything you're going to get,' Warren shot back. 'If you can bring up a couple of priests here to help these people, fine. But

we really don't have to give you anything. For one thing, you're too obnoxious.””

Exhibit 104.

442. **THE WARREN OMISSION:** The Skeptics Society is a nonprofit 501(c)(3) scientific and educational organization whose mission is to engage leading experts in investigating the paranormal and extraordinary claims of all kinds, to promote critical thinking and serve as an educational tool for those seeking a sound scientific viewpoint. Their contributors are leading scientists, scholars, investigative journalists, historians, professors and teachers. The Society’s Executive Director, Dr. Michael Shermer, is also the Founding Publisher of *Skeptic* magazine, a monthly columnist for *Scientific American*, the host of *The Skeptics Society’s Distinguished Science Lecture Series*, and Adjunct Professor at Claremont Graduate University and Chapman University. Shermer has written 12 books including: *The Believing Brain*, *Why Darwin Matters*, *The Science of Good and Evil*, and *Why People Believe Weird Things*. He has appeared on such shows as The Colbert Report, 20/20, Dateline, Charlie Rose, Larry King Live, Tom Snyder, Donahue, Oprah. He has been interviewed in countless documentaries aired on PBS, A&E, Discovery, History Channel, Science Channel, and Learning Channel.

443. *Skeptic Magazine* has a monthly podcast entitled *MonsterTalk*. Their monthly podcast of October 16, 2013 (<http://www.skeptic.com/podcasts/MonsterTalk/13/10/16/transcript/>) and a copy of the transcript of same, Exhibit 89 hereto, was devoted to an analysis of the Warrens, and their cases of Amityville, The Haunting in Connecticut and The Perron Farmhouse (The Conjuring). See Exhibit 89. Excerpts for each of these three cases in the podcast are excerpted below.

444. Amityville: Per the transcript of the podcast excerpted below, contrary to the claims

of supernatural occurrences they discerned in the house, the local news crew with them in the Amityville house captured nothing on their videotape. No supernatural phenomenon, no demonic activity. Lorraine Warren claimed that with her “psychic retrocognition” ability she saw events and voices that occurred in the past in the house that no one else could “see” – the same psychic ability that allowed her to see events at the Perron Farmhouse that were later proven by the historical records to have never occurred. The transcript in part (Exhibit 89. Page 2, ¶ 5-8) is excerpted below:

Blake [podcast host #1]: A few years ago, I’d seen a documentary about Amityville with Marvin Scott discussing the Amityville Halloween special they had done. I contacted him, and he explained just as he had in this show that there was little to tell. He had taken a film crew and some paranormal investigators into the Amityville home to do a séance near Halloween. It was a big flop. Nothing happened of interest but Lorraine Warren did ask to go to a separate séance upstairs, and while Marvin and his crew left disappointed, Lorraine and Ed left with a legend that would stay with them for the rest of their lives.

[Excerpt of Marvin Scott and Lorraine Warren discussing that night in Amityville.]

Marvin Scott: Whatever it was the Lutzes believed was in that house, it did not manifest itself the night I spent in the house 23 years ago with a group of parapsychologists who conducted a séance. The demonic force was supposedly the strongest in the sewing room, where Lorraine Warren conducted another séance by candlelight. Other than a brief chill, after all it was February, I felt nothing unusual.

Lorraine: But it did to me, Marvin, because I said to you, “Marvin, I hope this is as close to hell as I’ll ever get.”

Marvin: Not I. The only persistent voice I heard that night was that of my crew, wanting to know when we were going to have the sandwiches we had brought along.

Exhibit 89: See Exhibit 120 (for entire Monstertalk audio file on attached CD).

445. In discussing the Warrens and their “Haunting in Connecticut” case, Warren collaborator and author of the book on that case, Ray Garton, stated in an interview for the podcast that when the story in that case did not match the facts Garton was finding, Ed Warren told him everybody that comes to the Warrens for help were “crazy” and if the facts were unsupported in the case to just “make it up,” “make it scary” – a pattern and mantra that the Warrens have subscribed to – duping and lying to the public, and their own collaborators – for their entire career. The podcast’s analysis of the Warrens is aided by Dr. Joe Nickell who is heard on the recording.

446. Dr. Nickell is an American prominent skeptic and investigator of the paranormal. He has helped expose such famous forgeries as the purported diary of Jack the Ripper. In 2002 he was one of a number of experts asked by scholar Henry Louis Gates, Jr. to evaluate the authenticity of the manuscript of Hannah Crafts' *The Bondwoman's Narrative* (1853–1860), possibly the first novel by an African-American woman. At the request of document dealer and historian, Seth Keller, Nickell analyzed documentation in the dispute over the authorship of “The Night Before Christmas”, ultimately supporting the Clement Clarke Moore claim of authorship.

447. The transcript of the section of the podcast (*See* CD provided with complaint for Exhibit 100 MonsterTalk Podcast Audio File - Garton Excerpt), where Dr. Nickell discusses how Ed Warren instructed author and Warren collaborator, Ray Garton, to fabricate the “facts” in the Haunting in Connecticut case (Exhibit 89. Pages 3-4) is excerpted in part below:

Blake: *The Haunting in Connecticut* case, we’d actually talked about in a previous episode. We got Ray Garton, the author who wrote the novel about that, on. I had to actually, run into him on a message board where he had spoken very disparagingly about the whole

experience of writing that book [with the Warrens]. He hated the fact that it had been written in the based-on-a-true-story motif, so I didn't know if that was really him or not. I tracked him down and got him to come on and talk about it so I'm going to put a little bit of that in this episode as well.

Joe [Nickell]: Yeah. I understand he had trouble because he thought the Snedekers kept changing their story for one thing.

Blake: Yeah, yeah.

Joe: I'm not sure if he was saying that the Warrens were encouraging, but one of the ghost writers was saying that they would encourage him to sort of make up stuff or Ed improvise with scary elements.

Blake: I'm going to clip a little bit of that audio.

[Plays actual clip of prior interview with Ray Garton]

Ray Garton: I went to Connecticut and I met with Ed and Lorraine Warren and Al and Carmen Snedeker, the couple who had lived in the former funeral parlor, the house that used to be a funeral parlor, and I recorded our conversations. I have quite a few tapes and I couldn't get the Snedekers, their stories, the details of their stories weren't meshing. They weren't adding up.

I went to Ed Warren and I explained to him that this was happening. I said, "I'm not sure how to go about this." I had never done any nonfiction before. This was a new experience for me and I was trying, I wanted to have all the information laid out in chronological order in front of me, and it just wasn't adding up. I told Ed and he said, "Well, they're crazy." He said, "All the people who come to us are crazy. That's why they come to us." He said, "You just use what you can and make the rest up." He said, "That's why we hired you. You're a horror writer. You write scary books. We want this to be a good story and we want it to be scary."

Exhibit 89.

448. Nickell sums up his personal experiences with the Warrens where he states (*See*

Exhibit 89 for transcript of the audio file that is Exhibit 101 Monstertalk Podcast Audio File (on CD attached to this complaint).) Nickell continues his commentary on Warrens' dishonesty:

“Joe: I think that’s really important to understand that about what the Warrens were up to. It’s one thing to be very, very misguided, which of course they were, but that alone does not make someone odious, perhaps. But when you’re [the Warrens] misguided and not honest then it’s hard for me to find redeeming quality.”

Exhibit 89, Page 4 at ¶2.

449. **The Warrens’ Reputation:** The next section of the podcast discusses the Warrens lack of credibility. The interviewee is Dr. Steven Paul Novella, a clinical neurologist and assistant professor at Yale University School of Medicine. Novella is best known for his involvement in the skeptical movement, is an acquaintance of the Warrens and has investigated them for years. His appearance on the podcast is excerpted in part in the below transcript (Exhibit 89. Page 10 reproduced below) and in the excerpted relevant audio from the podcast (See CD attached to this complaint for Exhibit 102 MonsterTalk Podcast Audio File. Dr. Steve Novella’s commentary on Warrens’ dishonesty):

“Dr. Novella: I have lots of second hand stories about Ed because once you start investigating the Warrens, that investigation took us to a lot of people who used to work with the Warrens and then broke off.

Again, the Warrens over the previous decades must have spun off dozens and dozens of independent ghost hunting groups because this is the cycle. You see Ed and Lorraine talking to college, you give a college lecture, you go up afterwards and they would tell you, “Oh, you should come to our classes.” They used to give classes at the Carousel restaurant down the road. You’d go to the class. They would go through a process of serial selection until you get the people that were really into it.

Then, they would take people on investigations and then they [the people] would figure out a couple of things. One, Ed wasn’t the most

honest person in the world and two, that what he did took absolutely no special skill or knowledge. They figured, “Hey we can do this and we’ll do it right and we’ll do it better and we’ll do it honestly,” They would just break off and do it on their own, so there was this a never-ending cycle of new people coming in and then just very quickly leaving and going off to form their own groups.

When we talked to them, so we talked to many people, disillusioned former colleagues, former students of Ed and Lorraine. They had a lot of nasty stories to tell about them which I feel a little uncomfortable talking about because it’s all second hand...**but I’ll just say, if we were told firsthand stories from the people who we’re investigating with Ed and Lorraine [it was] involving pretty nasty shenanigans.”**

Exhibit 89.

450. Again, the Warrens have no credibility, their cases are not based on fact, historical fact or even the truth. They put out books in the “true story” category yet, without the public’s knowledge, they tell the writer to “make it up” when the facts don’t add up. They repeatedly cannot deliver the evidence in cases despite their claims to possess such evidence (but when pressed they alternatively fall back on claims that they have lost the evidence). Neither the Warrens nor their cases hold any credibility. Their cases are certainly not based on facts, historical or otherwise.

D. THE PATTERN OF THE WARREN’S SCAM EMERGES

451. Only now, decades after the Prentice Hall Deal was executed, does the pattern of the Warrens’ deceit emerge. The pattern is revealed when the Warrens behavior over the past forty years, statements made by those that were there at the time these cases were “investigated” by the Warrens, and the Warrens claims as to what took place are all compared.

452. In 1974 Ed and Lorraine Warren were two of a number of researchers and investigators that took part in the “Amityville Horror” case. When Jay Anson wrote the book about the case (not with the Warrens collaboration or involvement), they watched as the case and book became a worldwide phenomenon and a motion picture generating millions of dollars. None of

that money went into the pockets of Ed and Lorraine Warren. However, they saw the financial potential and the absolute need to control the subject of those cases. They understood the “real” money was not made from charging people to rid them of their “demonic” problem. The real money was made from the book and movie rights to a spooky story. The Warrens saw firsthand that it did not matter if the story was real, as the Amityville story was admitted to be a hoax from one of the Lutz’ family lawyers who helped concoct the story.¹⁶ It only had to be scary.

453. Joe Nickell delineated the pattern in the MonsterTalk podcast excerpted below See Exhibit 89, Page 5 at ¶5 below: (*Also See* CD attached to this complaint for the audio file that is Exhibit 119):

“Blake: It seems to be a pattern with the Warrens that their most popular or well-known cases are plagued with these ... What would you call them? Reality-based inconsistencies? Is that a polite way of putting it?

Joe: Right. The Warrens didn’t have as much really to do with Amityville as they might have liked to because they didn’t do one of their famous books. That went to somebody else and they were not famous enough at the time or something but they did. They had been involved at Amityville and they went on, as I mentioned, to some of these other houses.

There’s the pattern. I’ve written about this. The Warrens’ *modus operandi*, as I can call it, is this. You have to understand that the Warrens are this couple of, I think of as medieval-minded Catholics, unlike modern and often very enlightened Catholics, they believe literally in demons. Ed fancies himself, had a business card that said, “Ed Warren, demonologist.” Lorraine was an acclaimed clairvoyant but wasn’t clairvoyant at all as far as I can tell.

They had this medieval notion of demons and they had gotten into ghost hunting. Ed was an amateur artist. He would make paintings of haunted

¹⁶ Attorney William E. Weber stated in People Magazine “I know this book’s [The Amityville Horror] a hoax,” charges Weber. “We created this horror story over many bottles of wine. I told George Lutz that Ronnie DeFeo used to call the neighbor’s cat a pig,” Weber says. “George [Lutz] was a con artist...” (Source: <http://people.com/archive/cover-story-oh-the-horror-vol-12-no-12/>)

houses and then use those to get in with the people, in the house and begin his career.

What they did was to eventually, the cases that ended up as books, they would show up and try to convince the people that they were experts. They knew all about everything. They had some ghost hunting equipment like cameras and an ultraviolet light and some holy water and a crucifix, just what you need if you're going to investigate ghosts. They would go in and take a case that for all intents and purposes had thus far been in the news as pretty much a ghost case or maybe a poltergeist case, something like that, not too much about demonic forces.

The next thing you know, the Warrens have convinced everybody that there were demons involved. Lorraine would go into one of her light trances, which would mean she would just close her eyes and haul off and say something. She would sense some demonic presence. The two of them would talk a good talk about this. You see these poor unsuspecting people who first of all don't know anything about the paranormal and not aware that there are no haunted places, only haunted people, as Robert Baker used to say.

When you have someone who's an expert explaining to them that there are these different kinds of spirits and this and that and the other, they don't know any better. They think maybe these people know what they're talking about.

It's interesting that in every case of this, these were Catholic families. Ed and Lorraine would show up and convince them that it was really demonic and that they really needed to use their Catholic powers of exorcism and holy water and so forth. They were converted into a demonic book and then they would get a ghost writer. All of the shenanigans would be restyled and exaggerated and spooky elements thrown in.

Blake: They would punch it up, as we say.

Exhibit 89, Page 5 at ¶5.

454. So, approximately five years later when Ed Warren found out about the existing and ongoing Enfield Case, true to their "*modus operandi*" they made a "beeline" for England and the subjects of the case. Once they got there, Guy Playfair, the existing British investigator on the

case, stated that (Exhibit 69):

“I could remember was Ed Warren telling me that he could make a lot of money for me out of it [the Enfield case]...”

Exhibit 69. However, Playfair wanted no part of Ed Warren’s scheme so Ed Warren made his pitch to the family and inserted himself into the case anyway.

455. In the Warren Case file of Arne Cheyenne Johnson, who the Warren’s claimed was innocent of murder because they had evidence of him being “demonically possessed” at the time, the New York Times saw the Warrens involvement as anything but altruistic. In an article (Exhibit 107) about the Johnson Case the New York Times stated,

“... the Warrens, who have an arguable commercial interest in the [Johnson] matter, ...”

456. In the Johnson Case, the New York Times concluded that Warrens “evidence” and their claims, did not “hold water,” replicating the pattern of their deceit delineated by Ray Garton above. With regard to Johnson, the Hartford Courant (Exhibit 105) stated that,

“The Warrens told police that since July 1980 Johnson had participated in at least three exorcisms involving his girlfriend's 11-year-old brother David, who purportedly had been inhabited by 43 demons. During one of the rites, the Warrens told police, "Johnson leaped up and cried to the demon, 'Come into me, I'll fight you, come into me,'" The Courant reported on Feb. 27, 1981. "From that time on, he was possessed, they said."

However, the Catholic diocese refuted the Warrens “claims” and “evidence.” The Times article (Exhibit 107) goes on to state:

“This working relationship [of the Warren’s] with the Catholic clergy cannot be confirmed... Nicholas V. Grieco, spokesman for the diocese, "and we decline to say." It is, he contends, a pastoral matter, and a story [from the Warrens] he regards as somewhat bizarre. But he is emphatic that the church's treatment of the boy never approached the full and formal rite of exorcism, for which the bishop's approval would be needed. **"No formal exorcism was ever asked for or performed," he said.**

457. Again, this is another example of the Warren’s claims not “adding up” and the Catholic Church distancing itself from the Warrens.

458. Like author Ray Garton, the Plaintiff, at the time he wrote *The Demonologist* had no reason to question the Warrens’ veracity. Nearly four decades later there now emerges evidence, and testimony from a multitude of third parties that the Warrens interacted with that shows not only the Warrens’ clear pattern of perfidy and deceit, it shows just how massive and uninterrupted their lies and willingness to deceive, the authors they worked with, their business partners, and the public, actually has been for decades, and continues to be to this very day.

E. THE WARREN CASES ARE THEIR RETELLING OF “REMEMBRANCES” WHICH DOES NOT EQUATE TO ACTUALLY BEING TRUE OR HISTORICAL FACT

459. In the transcript of the previously discussed Hayes Defendants’ podcast (Exhibit 60, Page 4 at ¶ 13), Carey Hayes states:

Carey Hayes: There was a book [*The Demonologist*] written that we were not allowed to read based on that because the studio didn't have the rights to do that, and because we were telling the story from the Warrens’ point of view. **It was their interpretation...**

Exhibit 60.

460. This is further proof from the writers of *The Conjuring* that they were using Lorraine Warren's "interpretation" of the story – not "historical facts" but an interpretation.

461. At the end of the day, the (supposed) recollections and conjecture of the Warrens, and the supposition of the subjects of the cases they investigated are at best nothing more than these parties' recollections and remembrances of what they believe they experienced. At worst, they are fabrications. In either case, recollections, claims, conjecture and beliefs are not historical facts. Like the nurses in the Annabelle case may have believed the doll moved by itself, wrote notes for them on parchment paper and was inhabited by the spirit of a murdered child – such claims are their beliefs. No actual evidence exists to substantiate these claims or beliefs.

462. Gerald Brittle took Ed and Lorraine Warrens claims and representations as to what took place in their Cases, Case Files and investigations as being factual. His statements in the preface of his book indicating that the events in these cases actually took place are based on the representations and warranties that were made to him by Ed and Lorraine Warren at the time. The representations and warranties of the Warrens we only now have come to know, years after Brittle wrote that preface, were, and continue to be a part of the Warrens protracted pattern of self-serving lies and deceit. Brittle, a devout Catholic, got members of the Catholic Clergy to validate only the technical processes and Church protocols that the Warrens claimed were employed in these cases. However, these Clergy never confirmed that any of these Catholic Rituals ever actually took place.

1. THE DEVIL IS IN THE DETAILS

463. In the 1981 Connecticut State Court Criminal Trial of accused murderer Arne Cheyanne Johnson, his defense attorneys sought to prove the 19-year-old killer was innocent

because he had been possessed at the time of the killing. It would be the first time a possession defense was used in an American courtroom.

464. Ed and Lorraine Warren heard about the case, and convinced Johnson and his family that he was innocent because he was demonically possessed and not responsible. According to a report in the Hartford Courant on February 21, 1981 (Exhibit 105):

“The Warrens told police that since July 1980 Johnson had participated in at least three exorcisms involving his girlfriend's 11-year-old brother David, who purportedly had been inhabited by 43 demons. During one of the rites, the Warrens told police, "Johnson leaped up and cried to the demon, 'Come into me, I'll fight you, come into me,'" The Courant reported on Feb. 27, 1981. "From that time on, he was possessed, they said."

Exhibit 105.

465. However, the Warrens so called “proof” and “evidence” of their “claims” of Johnson’s demonic possessions were deemed by the Court to not meet any legal standard of proof, facts or evidence. Superior Court Judge Robert J. Callahan, who later become chief justice of the state Supreme Court, presided over the trial and stated (per the Courant article, Exhibit 105):

“Callahan said ... he knows it's [demonic possession] not a legal defense and considers evidence of it irrelevant, unprovable and needlessly confusing to a jury,”

Exhibit 105. The legal archives of the University of Virginia Law School (Exhibit 106) state that Judge Callahan in denying Johnson’s attempt to claim a defense based entirely on the Warren’s proof and facts that Johnson was demonically possessed were:

“...assertions [that] could not be scientifically or objectively proven by evidence.”

Exhibit 106.

466. The Johnson case puts a punctuation mark on the Warrens pattern of attempting to

repeatedly pass off what is contained in their Case Files as “proof,” “evidence” and “historical facts.” Judge Callahan readily saw through the Warren’s charade they tried to employ in his courtroom as noted above. *See supra*, ¶464, Exhibits 105-106.

467. Since we now know that what is contained in the Warrens Case Files are decidedly not facts, nor historical facts, when Ed and Lorraine Warren provided Brittle these same Case Files for him to write *The Demonologist*, they were not providing him facts to base the book on, despite their assertions otherwise. Therefore, Brittle’s book is not based on historical facts and as such he is (i) entitled to “thick” rather than “thin” copyright protection; and (ii) Defendants cannot claim a “fair use” defense for their movies being based on historical fact. The Defendant’s movies are not based on facts, historical or otherwise. Their movies are based on the Warrens Case Files as they freely and repeatedly admit. Case Files that are decidedly not based on facts.

F. DEFENDANTS’ MULTITUDE OF PUBLIC ADMISSIONS THAT THEIR MOVIES ARE BASED ON THE WARREN CASE FILES AND NOT ON FACTS

468. The Defendants and Lorraine Warren have all publicly and repeatedly admitted that the Warren Cases, Case Files and related materials have been, and continue to be, used as the basis of the movies within the Defendants’ franchise of *The Conjuring* movies, sequels and spin-offs.

469. The Defendants repeatedly admit that their franchise of *The Conjuring* movies are based on the Warren Case Files, Cases or related materials. Each time Defendants make such an admission they are in reality making five separate admissions, referred to as the “Five Admissions” herein. The Five Admissions include:

- a) First, an admission of Defendants’ misappropriation of Plaintiff’s exclusive rights to use the Warren Case and Case Files per the Collaboration Agreement;
- b) Second, an admission of Defendants’ separate and unrelated infringement of his

copyright protected rights included within his subsidiary motion picture rights;

- c) Third, an admission of violation of the no “competing work” provision of the Prentice Hall Agreement;
- d) Fourth, an admission that Defendants’ movies were based specifically on the Warrens Case or Case Files and not on historical fact; and
- e) Fifth, an admission that Defendants New Line and Warner Brothers conspired with Lorraine Warren to misappropriate Plaintiff’s exclusive rights to use the Warren Case and Case Files, infringe on of Plaintiff’s copyright protected rights included within his subsidiary motion picture rights, and violate the no “competing work” provision of the Prentice Hall Agreement.

470. The following individuals and entities have admitted that the Defendants movies are based on the Warrens Case Files, a sampling of which is delineated below.

471. **LORRAINE WARREN:** In an interview with USA Today, Mrs. Warren said that the Defendants’ *The Conjuring* movie is based on the Warrens’ investigation (i.e. Case and Case File):

“Ed Warren died in 2006, but Lorraine, now 86, was a consultant on the film [The Conjuring] and remains a paranormal investigator. She insists that many of the movie's harrowing moments actually happened.

"The things that went on there were just so incredibly frightening," she says, citing her own investigation nearly 40 years ago.”

Exhibit 71.

472. Before a group of visitors in her own home (for a paid lecture presentation by Lorraine Warren) Mrs. Warren stated not only that the Defendants *The Conjuring* movie was based on her case file, but that the Defendants had actually taken another thirty of her cases to make more

movies from, including the sequel *Annabelle*:

“Lorraine asked us whether we had seen the movie “The Conjuring,” and we told her that we certainly had. She and her son-in-law, Tony Spera, told us that the producers for “The Conjuring” took approximately 30 paranormal investigation cases from the Warren’s files and selected bits and pieces from a select few in order to create this blockbuster hit. Lorraine and Tony told us that the producers had plans in the works for a sequel to “The Conjuring,” and we now know that the sequel will focus on Annabelle), the possessed Raggedy Ann doll that is housed in The Warren Occult Museum.”

Exhibit 90 at ¶ 2.

473. From the Warrens “Night of The Conjuring” webpage on the Warrens’ official Website (www.Warrens.net) captured by the Internet Wayback Machine on November 9, 2013) (Exhibit 91) the Warrens again tie themselves, their Cases, Case Files and Defendants’ movies to the Plaintiff and his book.

"The Night of The Conjuring"

Don't miss your opportunity to join Lorraine Warren and Tony Spera as they reveal
"The Night of the Conjuring"

An evening spent with World Famous psychic and paranormal researcher, Lorraine Warren, who along with her late husband and Demonologist Ed Warren, are the subjects of the new blockbuster movie, "The Conjuring."

Accompanied by Tony Spera, psychic researcher and director of the New England Society for Psychic Research, your night will be action packed as you will enjoy:

- An introduction into the lives and work of Ed & Lorraine Warren, as well as first hand accounts on which the film is based.
- Dine with your hosts with an All you can eat Buffet Dinner (Included)
**There will also be a cash bar on premises
- Enjoy with your hosts a Full Showing of the blockbuster film, "The Conjuring"
- An interactive Question and Answer session will follow with your hosts Lorraine Warren and Tony Spera., as well as so much more.
- Your evening will then come to a close with Photo and Autograph opportunities with your hosts, as we say are farewell.

**Autographed copies of The Warrens book "The Demonologist" will be offered for sale on site, and can also be obtained by clicking on the "The Demonologist" to your left.

